Sandra Allen   1

Councilmember Sandra Allen   2

A PROPOSED RESOLUTION   3

———   4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA   5

———   6

To declare the existence of an emergency, due to Congressional review, with respect to the need   7
       to amend Chapter 20 of Title 21 of the District of Columbia Official Code to add a   8
       definition of "emergency care" to the guardianship law, and to amend the Mentally   9
       Retarded Citizens Constitutional Rights and Dignity Act of 1978 to authorize the   10
       Administrator of the Mental Retardation and Developmental Disabilities Administration,   11
       or the Administrator's designee, to grant, refuse, or withdraw consent, with certain   12
       limitations, on behalf of incapacitated customers, for health care services, treatment, or   13
       procedures, upon the certification of 2 licensed physicians.   14

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this   15

resolution may be cited as the "Citizens with Mental Retardation Substituted Consent for Health   16

Care Decisions Second Congressional Review Emergency Declaration Resolution of 2002".   17

       Sec. 2. The Council of the District of Columbia finds that: 18

             (1) The Citizens with Mental Retardation Substituted Consent for Health Care   19

Decisions Temporary Amendment Act of 2002, signed by the Mayor on November 26, 2002   20

(D.C. Act 14-522), was pending Congressional review when Congress adjourned for the year.   21

             (2) The Citizens With Mental Retardation Substituted Consent for Health Care   22

Decisions Emergency Amendment Act of 2002, effective October 23, 2002 (D.C. Act 14-514;   23

49 DCR 10480), is expected to expire on January 8, 2003.   24

             (3) This emergency legislation is necessary to prevent a gap in the legal authority.   25

Sec. 3. The Council of the District of Columbia determines that the circumstances   1

enumerated in section 2 constitute emergency circumstances making it necessary that the   2

Citizens With Mental Retardation Substituted Consent for Health Care Decisions Second   3

Congressional Review Emergency Amendment Act of 2002 be adopted after a single reading.   4

Sec. 4. This resolution shall take effect immediately.   5